

**MARTIN J. AUERBACH, ESQ.**

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November 26, 2014

**By ECF**

Hon. Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 12D  
New York, NY 10007

Re: Rio Tinto plc v. Vale S.A., et al., Civil Action No. 14-cv-3042 (RMB) (AJP)

Dear Judge Berman:

I am counsel to defendants BSG Resources (Guinea) Ltd. aka BSG Resources Guinée Ltd. aka VBG Guernsey and BSG Resources Guinée SARL aka BSG Resources (Guinea) SARL aka VBG-Vale BSGR Guinea (collectively “the VBG defendants”) in the above-captioned Action. I write with respect to the conference scheduled for Monday, December 1, 2014, concerning the status of any settlement discussions between the parties (“Status Conference”).

As counsel for the VBG defendants, I am authorized and prepared to participate on their behalf at the Status Conference, including participation in any discussions concerning a possible resolution of the Action. However, in light of the VBG defendants’ stated intention to seek dismissal on the grounds that the Court lacks personal jurisdiction over them – in the event the Court does dismiss this action based on the currently pending *forum non conveniens* motion – we respectfully inform the Court that in an abundance of caution concerning possible waiver of that defense, principal representatives of the VBG defendants will not be present at the Status Conference.

Respectfully,

  
Martin J. Auerbach

cc: All Counsel of Record (by ECF)